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Letter dated 19 January 2007 from the Permanent Representative of Cuba to the United Nations addressed to the President of the Security Council

On behalf of the Non-Aligned Movement (NAM), I have the honour to convey to you, in your capacity as President of the Security Council of the United Nations for the month of January 2007, the concerns of the Movement regarding the continuing encroachment by the Security Council on the functions and powers of the General Assembly, the Economic and Social Council and other organs through addressing issues which traditionally fall within the competence of the latter organs.

Regrettably, despite the several timely letters addressed to the President of the Security Council by the Chair of the Non-Aligned Movement transmitting NAM's principled positions on this very important issue, two permanent members of the Security Council decided to put to a vote, on Friday, 12 January 2007, a draft resolution on the situation in Myanmar, which was finally not adopted by the Council.

The Non-Aligned Movement stresses that while Member States of the United Nations have conferred on the Security Council the primary responsibility for the maintenance of international peace and security pursuant to Article 24 (1) of the Charter of the United Nations, in carrying out its duties under this responsibility, the Security Council acts on their behalf.

The Movement underscores the need for States Members of the United Nations to fully respect the functions and powers of each principal organ of the United Nations and to maintain the balance among these organs within their respective Charter-based functions and powers. In this context, the Movement cautions once again about the danger of encroachment by the Council on issues which clearly fall within the functions and powers of other principal organs of the United Nations and their subsidiary bodies.

In view of the above-mentioned considerations, the Non-Aligned Movement reiterates that the decision by the Security Council to initiate formal or informal discussions on the situation in any Member State of the United Nations on any issue, such as human rights, that does not constitute a threat to international peace and security is contrary to Article 24 of the Charter.

In this regard, the Movement once again urges the Security Council to uphold the primacy of and respect for the Charter in connection with its functions and powers.

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I would like to request, Mr. President, that the present letter be circulated as a document of the Security Council.

(*Signed*) Rodrigo **Malmierca Díaz**
Permanent Representative of Cuba to the United Nations
Chairman of the Coordinating Bureau of the Non-Aligned Movement